



POLICE DEPARTMENT

September 23, 2014

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Crystal Zalaznick
Tax Registry No. 940883
40 Precinct
Disciplinary Case No. 2011-6012

The above-named member of the Department appeared before me on May 19, 2014, charged with the following:

1. Said Police Officer Crystal Zalaznick, while assigned to the 40 Precinct, on or about April 27, 2010, and May 1, 2010, engaged in conduct prejudicial to the good order, efficiency or discipline of the Department, to wit: said Police Officer on two (2) occasions requested the assistance of another member of the service to prevent the processing and adjudication of two (2) summonses issued to herself and another motorist.

P.G. 203-10, Page 1, Paragraph 5 – PROHIBITED CONDUCT
GENERAL REGULATIONS

The Department was represented by Michelle Alleyne, Esq., Department Advocate's Office, and Respondent was represented by Craig Hayes, Esq. Respondent, through her counsel, entered a plea of Guilty to the subject charge and testified in mitigation of the penalty. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent, having pleaded Guilty, is found Guilty as charged.

SUMMARY OF EVIDENCE IN MITIGATION

Respondent, an eight-year member of the Department, admitted that on two occasions, she requested the help of her delegate, Police Officer Person A, to fix two tickets, one issued to her cousin and the second issued to herself. (Respondent Transcript [RT] 5, 8-10)

She testified that her cousin was issued a summons for speaking on a cell phone while driving over the Tri-Borough Bridge. (RT 8) The issuing officer was a Bridges & Tunnels officer. (RT 8) At the time of his stop, Respondent's cousin disputed that he was talking on the cell phone and when he handed the officer his license and Respondent's PBA card, the issuing officer ticketed him but told him to have Respondent's delegate contact his delegate and, "We'll take care of it." (RT 8) When Respondent's cousin asked for her help, she contacted Person A and the summons was fixed. (RT 9, 11-12)

On a second occasion, Respondent parked her father's car near a fire hydrant and the car was ticketed. (RT 9-10) She called Person A again with the intention of having the ticket fixed. (RT 10-11) Ultimately, it was not and she paid for the summons. (RT 10)

Respondent requested that the five days of suspension in the penalty phase be eliminated because it was important to her to have 20 years of continuous service. (RT 10-11)

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on January 9, 2006. Information from her personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has pled guilty to engaging in conduct prejudicial to the good order, efficiency, or discipline of the Department by requesting the assistance of another member of the service, her delegate Person A, on two occasions to prevent the adjudication of two summonses, one issued to herself and a second to her cousin.

The Advocate recommended that Respondent be suspended for five days and forfeit 25 vacation days, for a total forfeiture of 30 days, and that she serve one-year on dismissal probation, which is the established standard penalty where a member of the service has assisted or requested assistance to prevent the processing and adjudication of two or more summonses. In support of their recommendation, the Advocate cited the following cases as precedent: *Case No. 2012-6848* (March 26, 2014), where a ten-year police officer with no prior formal disciplinary record was punished with the above standard penalty for requesting help from other members on two separate occasions in quashing summonses issued to two individuals; *Case No. 2011-5618* (Jan. 15, 2014), where an eight-year police officer with no prior formal disciplinary record was punished with the above standard penalty for fixing traffic tickets on two occasions for two individuals; and *Case No. 2011-5856* (Feb. 18, 2014), where a 15-year police officer with

no prior formal disciplinary record was punished with the above standard penalty for being involved in the prevention of the adjudication of summonses on two occasions.

Respondent's attorney requested that the five days of suspension be eliminated from her penalty because she ultimately paid for one of the two tickets, so the City was not harmed in that it collected its revenue. Respondent's attorney argued that the penalty sought by the Advocate was disproportionate to the offense committed by Respondent, especially in light of the fact that one ticket was paid.

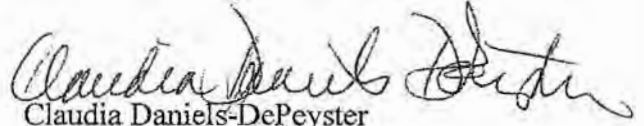
In determining a penalty recommendation, I have taken into consideration the penalties approved by the Police Commissioner in recent cases where members have engaged in similar misconduct, including the cases that the Advocate cited.

On two separate occasions, Respondent asked her delegate, Person A to quash a total of two summonses, one to her cousin and the other to herself, issued by another member of the service. The fact that Respondent ultimately paid for one summons does not diminish the misconduct, which is that she requested the help of another to quash two summonses and that she had the intention of having both tickets fixed. In that she admitted to misconduct on both occasions, she has not presented sufficient justification to warrant a departure from the established standard penalty.

Therefore, it is recommended that Respondent be DISMISSED from the New York City Police Department; however, this penalty of dismissal will be held in abeyance pursuant to Section 14-115(d) of the NYC Administrative Code for a period of one-year, during which time Respondent will remain on the force at the Police Commissioner's discretion and may be terminated at any time without a further hearing. It is further

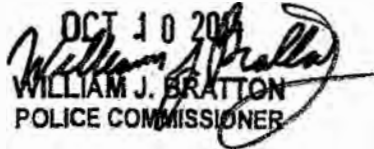
recommended that Respondent be suspended for five days and that she forfeit 25 vacation days for a total forfeiture of 30 days.

Respectfully submitted,



Claudia Daniels-DePeyster
Assistant Deputy Commissioner – Trials

APPROVED

OCT 10 2004

WILLIAM J. BRATTON
POLICE COMMISSIONER

POLICE DEPARTMENT
CITY OF NEW YORK


From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER CRYSTAL ZALAZNICK
TAX REGISTRY NO. 940883
DISCIPLINARY CASE NO. 2011-6012

In 2011 and 2013, Respondent received an overall rating of 3.0 “Competent” on her annual performance evaluations. In 2012, she received a rating of 4.0 “Highly Competent.” Respondent has received no medals in her career to date.

[REDACTED]

Respondent has no prior formal disciplinary record.

For your consideration.


Claudia Daniels-DePeyster
Assistant Deputy Commissioner – Trials